



UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD

Kansas City Regional Office  
8600 Farley Street - Suite 100  
Overland Park, Kansas 66212-4677  
Telephone: (913) 967-3001  
Fax Number: 913-967-3010  
Agent Assigned: (918)581-7946

Resident Office:  
224 South Boulder Ave. – Suite 318  
Tulsa, OK 74103-3006  
Telephone: (918) 581-7951  
Fax Number: 918-581-7970  
E-mail Address: [charles.hoskin@nlrb.gov](mailto:charles.hoskin@nlrb.gov)

January 15, 2010

**CERTIFIED**

Mr. Brent Mork  
2212 Tanglewood Dr  
Edmond, OK 73013

RE: Dolese Bros. Co.  
Case 17-RD-1795

Dear Mr. Mork:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

As a result of the investigation, I find that further proceedings on the petition are unwarranted at this time. The investigation revealed that Teamsters Local 886 (the Union) currently represents a bargaining unit of employees employed by Dolese Brothers Company (the Employer) at various “Ready-Mix” facilities in the State of Oklahoma<sup>1</sup>. Prior to the filing of the petition on December 28, 2009, the Union and the Employer executed a collective-bargaining agreement effective October 5, 2009 through December 5, 2010 covering employees in the bargaining unit.

For a petition to be timely during term of an existing contract that has a term of three or less years, the petition must be filed more than 60 days but not less than 90 days before the expiration date of the contract, or in this case, filed between September 7, 2010 and October 6, 2010 See *Leonard Wholesale Meats*, 136 NLRB 1000 (1962)

Inasmuch as the petition was filed December 28, 2009 which is outside the 60 to 90 day window period, I find that the petition is untimely and barred by the existing collective bargaining agreement. Based on the foregoing, I am dismissing the petition in this matter.

---

<sup>1</sup> The appropriate collective bargaining unit as described collective bargaining agreement is identical to that set forth in the petition, and includes employees employed at the Employer’s facilities in Oklahoma City, Enid, Norman, Edmond, Moore, and Midwest City, Oklahoma.

*Right to Request Review:* Pursuant to the provisions of Section 102.67 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, you may obtain review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, DC 20570-0001. This request for review must contain a complete statement setting forth the facts and reasons on which it is based.

*Procedures for Filing a Request for Review:* Pursuant to the Board's Rules and Regulations, Sections 102.111 – 102.114, concerning the Service and Filing of Papers, the request for review must be received by the Executive Secretary of the Board in Washington, DC by close of business on **January 29, 2010** at 5 p.m. (ET), unless filed electronically. **Consistent with the Agency's E-Government initiative, parties are encouraged to file a request for review electronically.** If the request for review is filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website **is accomplished by no later than 11:59 p.m. Eastern Time** on the due date. Please be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for review by facsimile transmission. Upon good cause shown, the Board may grant special permission for a longer period within which to file.<sup>2</sup> A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the E-filing system on the Agency's website at [www.nlrb.gov](http://www.nlrb.gov). Once the website is accessed, select the E-Gov tab, click on E-Filing, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Very truly yours,

*/s/ Naomi L. Stuart*

Naomi L. Stuart  
Acting Regional Director

NLS:yrt  
CATS/Dismiss-General (rdism).rtm

cc: See next page

---

<sup>2</sup> A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Office of the Executive Secretary

Dolese Brothers  
20 NW 13th St  
Oklahoma City, OK 73103

Mr. Peter T. Van Dyke, Attorney  
McAfee & Taft  
211 N Robinson 10th Floor  
Oklahoma City, OK 73102

Mr. Ron Cobb, Secy/Treasurer  
IBT Local 886  
3528 West Reno  
Oklahoma City, OK 73107

Mr. Larry O. Gaines, Business Manager  
Operating Engineers Local 627  
12109 Skelly Dr  
Tulsa, OK 74128